IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 10865 of 2006
Date of decision: 28.8.2007

J. Khushalani ...Petitioner

Versus

National Thermal Power Corporation and others ...Respondents.

CORAM:- HON'BLE MR. JUSTICE K.S.GAREWAL
HON'BLE MR. JUSTICE S. N. AGGARWAL

Present: Petitioner in person.

Mr. Yogesh Chaudhary, Advocate, for the respondents.

K.S.GAREWAL, J.

J. Khushalani, Assistant Officer (HR) sought voluntary retirement on August 31, 2003 from National Thermal Power Corporation and had voluntarily retired from September 30, 2003.

The petitioner filed the present petition on July 19, 2006 seeking quashing of the order of acceptance of voluntary retirement dated September 30, 2003 (Annexure P/1) on the ground that it was illegal, unlawful and against his consent. The petitioner also sought payment of several dues with interest.

On July 20, 2006, the petitioner was heard at length by the Division Bench and the Bench was of the opinion that no case was made out

for challenging the order of release dated September 30, 2003, therefore, the relief claimed in prayer clause A of paragraph 26 was declined. However, notice of motion was issued only with regard to prayer clause B. The respondents appeared and filed their reply.

On July 23, 2007, the learned counsel for the respondents sought time to work out an out of Court settlement to the satisfaction of the petitioner by payment of all outstanding dues with reasonable interest. Today the eight items as contained in prayer clause B were considered one by one the petitioner as well as the learned counsel for the respondents were also heard.

Certain claims of the petitioner have been found to be justified and deserve to be allowed. However, certain other claims of the petitioner were unjustified and have been declined. Our decision on each individual claims is as under:-

(1) The petitioner shall be entitled to lease payment for the period June 1, 2001 to September 30, 2003 at the rate of Rs. 6,700/- per month.

(2) The petitioner shall be paid lease maintenance for the financial year 2002-2003 at the rate of two months rent and for 2003-2004 at the rate of one month rent.

(3) The petitioner shall be entitled to lease amount for October 2003.

(4) The petitioner shall not receive any payment for canteen subsidy and magazine allowance.

(5) The petitioner shall not receive any pay for notice

period.

(6) Deduction of Rs. 5,000/- towards medical reimbursement is valid. No further claim under this head is payable.

(7) For reimbursement of the illness/treatment of the wife of the petitioner, the petitioner shall submit bills which shall be examined by the respondent-Corporation. The amount found due shall be released within one month from the date of submission of bills.

(8) The petitioner shall contact the Corporation for arranging the Medical Insurance Policy. The Corporation shall do the needful within one month of the submission of application by the petitioner.

In addition to the above, we direct that the petitioner shall be released the above payments at the rate 9% interest per annum on the outstanding amount under heads 1,2 and 3. Interest shall run from the date of his retirement till the payment of the amount. The petitioner shall also be entitled to payment of Rs. 10,000/- as costs.

The petition is, accordingly, disposed of.

(K.S. GAREWAL)
JUDGE

28.8.2007 **(S. N. AGGARWAL)**
prem **JUDGE**